

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

20230930-DK-BUTTERFLY-1, INC., f/k/a  
BED BATH & BEYOND INC.,

Plaintiff,

— v. —

RYAN COHEN and  
RC VENTURES LLC,

Defendants.

ECF CASE

No. 24-cv-5874 (NRB)

**[PROPOSED] CASE MANAGEMENT PLAN  
AND SCHEDULING ORDER**

The parties to this action jointly submit this proposed Case Management Plan and Scheduling Order under Federal Rules of Civil Procedure 16(b) and 26(f)(3).

1. The parties conferred pursuant to Federal Rule of Civil Procedure 26(f) on June 18, 2025.
2. The parties do **not** consent to conducting all further proceedings before a United States Magistrate judge.
3. Initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) shall be made within **14 days** of the date of this order.
4. Any motion to amend or to join additional parties shall be filed within **30 days** from the date of this order, except that amended pleadings may be filed with the other parties' consent at any time pursuant to Federal Rule of Civil Procedure 15(a)(2).
5. All fact discovery shall be completed by **December 15, 2025**.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in Paragraph 5 above:
  - a. Initial requests for production of documents shall be served by **July 23, 2025**.

- b. Interrogatories pursuant to Local Civil Rule 33.3(a) of the U.S. District Court for the Southern District of New York shall be served by **July 23, 2025**. No Rule 33.3(a) interrogatories need to be served with respect to disclosures automatically required by Federal Rule of Civil Procedure 26(a).
- c. Unless otherwise ordered by the Court, contention interrogatories should be served consistent with Local Civil Rule 33.3(c) of the U.S. District Court for the Southern District of New York.
- d. Depositions shall be completed by **October 31, 2025**.
- e. Requests for admission shall be served no later than **November 14, 2025**.

7. The parties shall jointly notify the Court, in writing, on or before **January 12, 2026**, whether expert discovery will be necessary. If expert discovery is deemed necessary by either party, the notice shall include a proposed schedule for expert disclosures and depositions.

8. If expert discovery **is not required**, any party may file an application for leave to file a summary judgment motion pursuant to Rule 2.B. of the Court's Individual Rules of Practice in Civil Cases ("Individual Rules") no later than **February 20, 2026**.

9. If expert discovery **is required**, any party may file an application for leave to file a summary judgment motion pursuant to Rule 2.B. of the Individual Rules no later than **60 days after the conclusion of expert discovery**.

10. Any motion for summary judgment shall be governed by the Federal Rules of Civil Procedure, the Local Rules of the Southern District of New York, and the Individual Rules.

11. This case **is** to be tried to a jury.

12. The parties have conferred and their present best estimate of the length of trial is **1-3 days**.

/s/ James A. Hunter

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*Counsel for Defendants Ryan Cohen and RC  
Ventures LLC*

**SO ORDERED.**

Dated: June 23, 2025  
New York, New York

  
Naomi Reice Buchwald  
United States District Judge